

FILED

1 Arturo Andrade
10508 Crockett St.
2 Sun Valley, CA 91352
(310) 447-4400
3 No Fax
4 No Email
In Pro Per

2018 MAR 29 AM 9:54

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY LAW

6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA

10 KINGSTON INVESTMENTS, LLC. } Case No.: CV18-02545 JAK (RAOx)
11 Plaintiff, }
12 vs. } NOTICE OF REMOVAL UNDER 28
13 KRISTY ABE DOES 1 TO 10, INCLUSIVE } U.S.C. 1332, 1391, 1441 (a) and 1446
14 Defendant } SUPERIOR COURT OF CALIFORNIA
CASE NO. 18PDUD00506

16 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
17 CENTRAL DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND ITS ATTORNEYS OF
18 RECORD:

19 Pursuant to 28 U.S.C. 1332, 1391, 1441 (a) and 1446, the Defendant, Arturo Andrade,
20 Pro Se, files this Notice of Removal of this case from the Superior Court of California, County of
21 Los Angeles, to the United States District Court for the Central District of California. In support
22 of this Notice of Removal, Defendant states as follows:

24 CASE BACKGROUND AND FOUNDATION FOR REMOVAL

- 25 1. On or about February 01, 2018, Plaintiff commenced an action in the Superior Court of
26 California, in Los Angeles County against the Defendant/Cross Plaintiff. Defendant/Cross
27 Plaintiff currently has a pending Complaint filed against the Plaintiff for Various Violations

- 1 of the California Civil Code, Declaratory Relief, and/or Intentional Misrepresentation and
2 other causes of action against the Plaintiff of this case.
- 3 2. Defendant/Counter Plaintiffs presently seek judgment against Plaintiff for injuries that
4 Defendant/Counter Plaintiffs allegedly suffered as a result of various violations under the
5 Fair Debt Collection Practices Act. Defendant/Counter Plaintiff's claims against Plaintiff are
6 based on Plaintiff's alleged misrepresentation of the amount of debt due, and their own
7 fraudulent actions.
- 8 3. True and correct copies of the Summons, Complaint and other pleadings or orders are
9 Attached as Exhibit "A" and incorporated by reference.
- 10 4. This Court has original jurisdiction over the matter pursuant to 28 U.S.C. 1331. Further, this
11 matter is one that may be removed to this Court pursuant to 28 U.S.C. 1441 because it is a
12 civil action based upon the Federal Debt Collection Practices Act.
- 13 5. Venue is proper in this Court because the State Court Action is pending in the Superior Court
14 of California, Los Angeles County. See 28 U.S.C. 1441 (a).
- 15

16 **COMPLETE DIVERSITY OF CITIZENSHIP**

- 17 6. There is complete diversity of citizenship between the parties.
- 18 a) Plaintiff is incorporated in a state other than California and their principal places of
19 business are located in states other than California. Thus, Plaintiff is not a citizen of
20 California.
- 21 b) Defendant/Counter Plaintiff is a citizen of California, residing in Los Angeles
22 County.
- 23

24 **AMOUNT IN CONTROVERSY EXCEEDS \$75,000.00**

- 25 7. Plaintiff does not quantify the amount of damages they seek to recover in this case. See
26 complaint, Prayers for Relief. From the face of the Complaint, however, it is apparent that
27 the amount in controversy more likely than not exceeds \$75,000.00, exclusive of interest and
28 costs.

- 1 8. "The amount in controversy is ordinarily determined by the allegations of the Complaint, or,
2 where they are not dispositive, by the allegations in the Notice of Removal". See *Laughlin*
3 *v. Kmart Corp.*, 50F.3d 871, 873 (10th Cir.), cert denied, 516 U.S. 863 (1995).
- 4 9. When the plaintiff's damages are unquantified in the Complaint, the amount in Controversy
5 can be established by allegations in the Removal Notice by reference to allegations on the
6 face of the Complaint. *Cv. Martin v. Franklin Capital Corp.*, 251 F.3d 1284, 1290 (10th Cir.
7 2001). More specifically, the amount in controversy requirement can be satisfied by showing
8 that it is facially apparent from the Complaint that the claims more likely than not exceed
9 \$75,000.00. See *Allen v. R&H Oil and Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995);
10 *Accord Singer v. State Farm Mutual Automobile Ins. Co.*, 116 F.3d 373, 377 (9th Cir.
11 1997); See also *Gilmer v. The Walt Disney Co., ET al.*, 915 F. Supp. 1001, 1007 (W.D. Ark.
12 1996).
- 13 10. Here, the amount in controversy more like than not exceeds \$75,000.00 based on Plaintiff's
14 claims, their alleged injuries and the recovery sought.
- 15 11. Defendant/Counter Plaintiff denies the allegations in the Complaint. Taking those
16 allegations on their face as true, however, as this Court must do for the purpose of
17 determining the propriety of removal, it is clear that Plaintiff's claims, as evidenced by the
18 documents attached hereto as Exhibit "A" demonstrate an amount in controversy in excess of
19 \$75,000.00
- 20 12. Given the complete diversity of the real parties and an amount in the controversy in excess of
21 \$75,000.00, this Court has jurisdiction over the causes of action and claims asserted in the
22 State Court Action pursuant to 28 U.S.C. 1332, and this action properly is removable
23 pursuant to 28 U.S.C. 1441.
- 24 13. Diversity jurisdiction further exists in this case based on the following:
 - 25 A. The Plaintiff, KINGSTON INVESTMENTS, LLC., and/or its Successors and/or
26 Assignees in Interest, cannot state a claim for return of, damages to or diminution in
27 volume of assets it does not own, or can prove ownership.

- B. Based on its lack of ownership of the subject property, the Plaintiff, KINGSTON INVESTMENTS, LLC., and/or its Successors and/or Assignees in Interest, has no standing to bring the claims set forth in their Complaint or Motion.
 - C. Due to the fact that the Plaintiff, KINGSTON INVESTMENTS, LLC., and/or its Successors and/or Assignees in Interest, cannot state a claim upon which relief may be granted, the only proper parties to this action are the Defendant/Cross Plaintiff.

14. If the party with no standing is disregarded, this Court has original jurisdiction over the action pursuant to 28 U.S.C. 1332, and this case may be removed to this Court pursuant to U.S.C. 1441 (a).

OTHER ISSUES

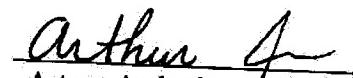
15. This Notice of Removal is timely filed. See 28 U.S.C. 1446(b).
 16. This Notice of Removal has been served on Plaintiff's counsel. A Notice of Filing of Notice of Removal to Federal Court (attached as Exhibit "A") will be filed in the Superior Court of California, County of Los Angeles, as soon as this Notice of Removal has been filed in this Court.
 17. A Copy of the complete record maintained by the Clerk of the Superior Court, County of Los Angeles, California is attached to this Notice of Removal as Exhibit "A".

CONCLUSION

Because Plaintiff and Defendant are citizens of different states, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, this Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. 1332. Defendant is therefore entitled to remove this case to this Court pursuant to 28 U.S.C. 1441.

Wherefore, Defendant requests that the action now pending before the Superior Court of California, County of Los Angeles, Civil Action No. 18PDUD00506, be removed to this Court.

1 Dated: March 29, 2018
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Arturo Andrade, In Pro Per

1 **CERTIFICATE OF SERVICE BY MAIL**
2

3 The undersigned hereby certifies that on 03/29/2018, he served a copy of
4

5 **NOTICE OF REMOVAL**
6

7 By placing said copy in an envelope addressed to the person(s) hereinafter named, at the
8 places and address shown below, which are the last known addresses, and mailing said envelope
9 and contents in the U.S. Mail in Los Angeles, California.

10
11 Law Offices Of Steven J. Siebig
12 Attn: Steven J. Siebig Bar No. 200875
13 27451 Tourney Rd., Suite 280
14 Valencia, CA 91355
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20 Higuera Shof
21 Sofia Higuera
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Exhibit "A"

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ARTURO ANDRADE 10508 CROCKETT ST. SUN VALLEY, CA 91352		POS-030 FOR COURT USE ONLY
TELEPHONE NO.: (310) 447-4400 E-MAIL ADDRESS (Optional): None ATTORNEY FOR (Name): In Pro Per		FAX NO. (Optional): None
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 E. WALNUT ST. MAILING ADDRESS: 300 E. WALNUT ST. CITY AND ZIP CODE: PASADENA, CA 93009 BRANCH NAME: PASADENA COURTHOUSE PETITIONER/PLAINTIFF: KINGSTON INVESTMENTS, LLC.		
RESPONDENT/DEFENDANT: KRISY ABE DOES 1 TO 10, INCLUSIVE		
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		CASE NUMBER: 18PDUD00506

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.

2. My residence or business address is:

172 S. ROOSEVELT AVE.
PASADENA, CA 91107

3. On (date): 03/30/2018 I mailed from (city and state): PASADENA, CA
the following documents (specify):

NOTICE OF STAY OF PROCEEDINGS

The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):

- a. **depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.**
b. **placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.**

5. The envelope was addressed and mailed as follows:

a. Name of person served: STEVEN J. SIEBIG BAR NO. 200875

b. Address of person served:

Attn: Law Offices Of Steven J. Siebig
27451 Tourney Rd., Suite 280
Valencia, CA 91355

The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 03/29/2018

SOFIA HIGUERA

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)


(SIGNATURE OF PERSON COMPLETING THIS FORM)

Form Approved for Optional Use
Judicial Council of California
POS-030 (New January 1, 2005)

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL
(Proof of Service)

Code of Civil Procedure, §§ 1013, 1013a
www.courtinfo.ca.gov

**SUMMONS
(CITACION JUDICIAL)**
UNLAWFUL DETAINER—EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE—DE SALOJO)

NOTICE TO DEFENDANT:
(A VISO AL DEMANDADO):

KRISTY ABE
DOES 1 TO 10, INCLUSIVE

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
KINGSTON INVESTMENTS, LLC

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have it filed with the court clerk. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in plain English. You can find these court forms and more information online at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/sefhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken by the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service or a nonprofit legal services program. You can locate these nonprofit groups at the local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales Para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte Para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/sefhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/sefhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: El juez tiene la autoridad para imponer una multa diaria de \$100.00 o más por cada día que el demandante no cumple con una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda deschutarlo.

1. The name and address of the court is:
(El nombre y dirección de la corte es):

LOS ANGELES SUPERIOR COURT -- PASADENA
300 E. WALNUT STREET
PASADENA, CA 91101-1566

CASE NUMBER:
(Número del caso)

18PDUD00506

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
STEVEN J. SIEBIG, ESQ., 27451 TOURNEY RD. #280 VALENCIA, CA 91355 SBN:200875
(818)488-6450
3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§6400-6415) did not did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page).

Date: FEB 01 2018
(Fecha)

CARTER, Executive Officer, *Gilbert Gloroso*, Deputy
(Secretary) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

4. NOTICE TO THE PERSON SERVED: You are served

- a. as an individual defendant
 - b. as the person sued under the fictitious name of (specify):
 - c. as an occupant
 - d. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minority interest)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatorship)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 CCP 415.46 (occupant) other (specify):
5. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ARTURO ANDRADE 10508 CROCKETT ST. SUN VALLEY, CA 91352 TELEPHONE NO: (310) 447-4400 FAX NO. (Optional): None E-MAIL ADDRESS (Optional): None ATTORNEY FOR (Name): In Pro Per		CM-180 FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 E. WALNUT ST. MAILING ADDRESS: 300 E. WALNUT ST. CITY AND ZIP CODE: PASADENA, CA 93009 BRANCH NAME: PASADENA COURTHOUSE		
PLAINTIFF/PETITIONER: KINGSTON INVESTMENTS, LLC. DEFENDANT/RESPONDENT: KRISY ABE DOES 1 TO 10, INCLUSIVE		
NOTICE OF STAY OF PROCEEDINGS		CASE NUMBER: 18PDUD00506
		JUDGE:
		DEPT.:

To the court and to all parties:

1. Declarant (name): **ARTURO ANDRADE**
 - a. is the party the attorney for the party who requested or caused the stay.
 - b. is the plaintiff or petitioner the attorney for the plaintiff or petitioner. The party who requested the stay has not appeared in this case or is not subject to the jurisdiction of this court.
2. This case is stayed as follows:
 - a. With regard to all parties.
 - b. With regard to the following parties (specify by name and party designation):
3. Reason for the stay:
 - a. Automatic stay caused by a filing in another court. (Attach a copy of the Notice of Commencement of Case, the bankruptcy petition, or other document showing that the stay is in effect, and showing the court, case number, debtor, and petitioners.)
 - b. Order of a federal court or of a higher California court. (Attach a copy of the court order.)
 - c. Contractual arbitration under Code of Civil Procedure section 1281.4. (Attach a copy of the order directing arbitration.)
 - d. Arbitration of attorney fees and costs under Business and Professions Code section 6201. (Attach a copy of the client's request for arbitration showing filing and service.)
 - e. Other:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: 03/29/2018

ARTURO ANDRADE

(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE)

1 STEVEN J. SIEBIG BAR NO. 200875
2 LAW OFFICES OF STEVEN J. SIEBIG
27451 TOURNEY RD. SUITE 280
3 VALENCIA, CA 91355
3 Phone: (818) 488-6450
4 Fax: (818) 488-6483

SIEBIG, JR., Esq.
Superior Court of Calif.
County of Los Angeles

FEB 01 2018

5 Attorney for Plaintiff

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, NORTHEAST LIMITED JURISDICTION
PASADENA COURTHOUSE

KINGSTON INVESTMENTS, LLC) CASE NO: SP04000506
Plaintiff,)
vs.) COMPLAINT FOR UNLAWFUL
KRISTY ABE,) DETAINER
DOES 1 to 10, inclusive,) Action based on Code of Civil
Defendants.) Procedure Section 1161a
DEMAND LESS THAN \$10,000.00)

Plaintiff alleges:

1. Plaintiff is unaware of the true names and capacities, whether individual, corporate, associate or otherwise, of defendants sued herein as DOES 1 to 10, inclusive, and therefore sues said defendants by said fictitious names. Plaintiff prays leave to amend this complaint to insert herein their true names and capacities when the same have been ascertained, along with the appropriate charging allegations.

2. At all times herein mentioned, plaintiff was a limited liability company duly existing under the laws of the State of

1 California.

2

3 3. Plaintiff is the owner, and is entitled to possession
4 of the real property described as: [REDACTED]
5 [REDACTED] (hereinafter the "the Premises"). Plaintiff
6 acquired ownership of, and title to, the Premises at a duly
7 noticed trustee sale under a power of sale in a Deed of Trust
8 executed by Kristy Abe, as Trustor. The title under said
9 sale has been duly perfected pursuant to, and in full compliance
10 with, California Civil Code §2924, et seq. A true and correct
11 copy of said Trustee's Deed Upon Sale is attached hereto as
12 Exhibit "1".

13

14 4. On or about Jan. 23, 2018, plaintiff caused a written
15 Notice to Quit (hereinafter "the Notice") to be served on the
16 defendants pursuant to California Code of Civil Procedure §1162.
17 A true copy of the Notice is attached hereto as Exhibit "2" and
18 was served by leaving a copy with Rudy Deleon for the defendant
19 and by mailing a copy to the premises address above.

20

21 5. More than 3 (three) days have elapsed since service of
22 said notice but defendants have failed and refused, and continue
23 to fail and refuse, to deliver up possession of the Premises.

24

25 6. The fair rental value of the premises is \$110.00 per
26 day and plaintiff is suffering damages for each day that the
27 defendants remain in possession thereof since plaintiff acquired
28 title to the property.

1 7. Venue in this court is proper, as the subject premises
2 are located within its jurisdiction.

3

4 WHEREFORE, plaintiff prays for judgment against defendants,
5 and each of them, as follows:

6 1. Restitution of possession of the aforesaid premises;
7 2. Damages at the rate of \$110.00 per day from 1/27/18;
8 3. For costs of suit incurred herein;
9 4. For such other and further relief as this Court deems
0 just and proper.

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2 | Dated: Jan. 31, 2018

Law Offices of Steven J. Siebig

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STEVEN J. SIEBIG
Attorney for Plaintiff

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ARTURO ANDRADE 10508 CROCKETT ST. SUN VALLEY, CA 91352		POS-030 FOR COURT USE ONLY
TELEPHONE NO.: (310) 447-4400 E-MAIL ADDRESS (Optional): None ATTORNEY FOR (Name): In Pro Per		FAX NO. (Optional): None
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 E. WALNUT ST. MAILING ADDRESS: 300 E. WALNUT ST. CITY AND ZIP CODE: PASADENA, CA 93009 BRANCH NAME: PASADENA COURTHOUSE		PETITIONER/PLAINTIFF: KINGSTON INVESTMENTS, LLC.
RESPONDENT/DEFENDANT: KRISY ABE DOES 1 TO 10, INCLUSIVE		
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		CASE NUMBER: 18PDUD00506

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
172 S. ROOSEVELT AVE.
PASADENA, CA 91107
3. On (date): 03/30/2018 I mailed from (city and state): PASADENA, CA the following documents (specify):

NOTICE OF STAY OF PROCEEDINGS

- The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and (check one):
 - a. depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 5. The envelope was addressed and mailed as follows:
 - a. Name of person served: STEVEN J. SIEBIG BAR NO. 200875
 - b. Address of person served:
Attn: Law Offices Of Steven J. Siebig
27451 Tourney Rd., Suite 280
Valencia, CA 91355

The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 03/29/2018

SOFIA HIGUERA

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

Higuera Sofia

(SIGNATURE OF PERSON COMPLETING THIS FORM)

Form Approved for Optional Use
Judicial Council of California
POS-030 (New January 1, 2005)

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL
(Proof of Service)

Code of Civil Procedure, §§ 1013, 1013a
www.courtinfo.ca.gov

CP10.5

NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.

1. If you live here and you do not complete and submit this form, you may be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. You must file this form within 10 days of the date of service listed in the box on the right hand side of this form.
 - **Exception:** If you are a tenant being evicted after your landlord lost the property to foreclosure, the 10-day deadline does not apply to you and you may file this form at any time before judgment is entered.
3. If you file this form, your claim will be determined in the eviction action against the persons named in the complaint.
4. If you do not file this form, you may be evicted without further hearing.
5. If you are a tenant being evicted due to foreclosure, you have additional rights and should seek legal advice immediately.

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address): TELEPHONE NO.: (310) 447-4400		FOR COURT USE ONLY
ARTURO HERNANDEZ 10508 CROCKETT ST. SUN VALLEY, CA 91352		
ATTORNEY FOR (Name): In Pro Per		
NAME OF COURT: SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES STREET ADDRESS: 300 E. WALNUT ST. MAILING ADDRESS: 300 E. WALNUT ST. CITY AND ZIP CODE: PASADENA, CA 91101 BRANCH NAME: PASADENA COURTHOUSE		
Plaintiff: KINGSTON INVESTMENTS, LLC Defendant: KRISTY ABE DOES 1 TO 10, INCLUSIVE		
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION		
Complete this form only if ALL of these statements are true: <ol style="list-style-type: none"> 1. You are NOT named in the accompanying Summons and Complaint. 2. You occupied the subject premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is in the accompanying Summons and Complaint.) 3. You still occupy the subject premises. 		
CASE NUMBER: 18PDUD00506		<i>(To be completed by the process server)</i> DATE OF SERVICE: <i>(Date that form is served or delivered, posted, and mailed by the officer or process server)</i>

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (specify): ARTURO HERNANDEZ
2. I reside at (street address, unit no., city and ZIP code):
10508 CROCKETT ST.
SUN VALLEY, CA 91352
3. The address of "the premises" subject to this claim is (address):
10508 CROCKETT ST. SUN VALLEY, CA 91352
4. On (insert date): 02/01/2018 , the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is in the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ 225.00 or file with the court an "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file the form for waiver of court fees, I will not be entitled to make a claim of right to possession.

(Continued on reverse)

Plaintiff: KINGSTON INVESTMENTS, LLC Defendant: KRISTY ABE DOES 1 TO 10, INCLUSIVE	CASE NUMBER: 18PDUD00506	CP10.5
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11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

NOTICE: If you fail to file this claim, you may be evicted without further hearing.

13. **Rental agreement.** I have (*check all that apply*):
 - a. an oral or written rental agreement with the landlord.
 - b. an oral or written rental agreement with a person other than the landlord.
 - c. an oral or written rental agreement with the former owner who lost the property to foreclosure.
 - d. other (*explain*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date: 03/05/2018

ARTURO HERNANDEZ

(TYPE OR PRINT NAME)



(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

— NOTICE TO OCCUPANTS —

YOU MUST ACT AT ONCE if all the following are true:

1. You are NOT named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
3. You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*

FW-001

Request to Waive Court Fees

CONFIDENTIAL

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

1 Your Information (person asking the court to waive the fees):

Name: ARTURO HERNANDEZ

Street or mailing address: 10508 CROCKETT ST.

City: SUN VALLEY

State: CA Zip: 91352

Phone number: (310) 447-4400

2 Your Job, if you have one (job title): CLERK

Name of employer: OLD TIME DRIVE IN

Employer's address: 8742 GLENOAKS BLVD., SUN VALLEY, CA 91352

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

- a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No
- b. (If yes, your lawyer must sign here) Lawyer's signature:

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
 Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- a. I receive (check all that apply; see form FW-001-INFO for definitions): Food Stamps Supp. Sec. Inc. SSP Medi-Cal County Relief/Gen. Assist. IHSS CalWORKS or Tribal TANF CAPI
- b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$435.42 for each extra person.
1	\$1,256.26	3	\$2,127.09	5	\$2,997.92	
2	\$1,691.67	4	\$2,562.51	6	\$3,433.34	

- c. I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you must fill out page 2):
 waive all court fees and costs waive some of the court fees
 let me make payments over time

- 6** Check here if you asked the court to waive your court fees for this case in the last six months.
(If your previous request is reasonably available, please attach it to this form and check here:)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: 03/05/2018

ARTURO HERNANDEZ

Print your name here

Arthur J.
Sign here



Your name: ARTURO HERNANDEZ

Case Number:
18PDUD00506

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only.
If you checked 5c, you must fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

- 7** Check here if your income changes a lot from month to month.
If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

- a. List the source and amount of **any** income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____

b. Your total monthly income: \$0 _____

9 Household Income

- a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1)			\$ _____
(2)			\$ _____
(3)			\$ _____
(4)			\$ _____

b. Total monthly income of persons above: \$0 _____

Total monthly income and household income (8b plus 9b): \$0 _____

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page.

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

a. Cash \$ _____

b. All financial accounts (List bank name and amount):

(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____

c. Cars, boats, and other vehicles

Make / Year	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

d. Real estate

Address	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Describe	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

11 Your Monthly Deductions and Expenses

- a. List any payroll deductions and the monthly amount below:

(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____
(4) _____	\$ _____

b. Rent or house payment & maintenance \$ _____

c. Food and household supplies \$ _____

d. Utilities and telephone \$ _____

e. Clothing \$ _____

f. Laundry and cleaning \$ _____

g. Medical and dental expenses \$ _____

h. Insurance (life, health, accident, etc.) \$ _____

i. School, child care \$ _____

j. Child, spousal support (another marriage) \$ _____

k. Transportation, gas, auto repair and insurance \$ _____

l. Installment payments (list each below):

Paid to:	
(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____

m. Wages/earnings withheld by court order \$ _____

n. Any other monthly expenses (list each below). \$ _____

Paid to: _____ How Much? _____

(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____

Total monthly expenses (add 11a - 11n above): \$0 _____

FW-003

**Order on Court Fee Waiver
(Superior Court)**

Clerk stamps date here when form is filed.

① Person who asked the court to waive court fees:

Name: **ARTURO HERNANDEZ**

Street or mailing address: **10508 CROCKETT ST.**

City: **SUN VALLEY** State: **CA** Zip: **91352**

② Lawyer, if person in ① has one (name, address, phone number, e-mail, and State Bar number):

③ A request to waive court fees was filed on (date):

The court made a previous fee waiver order in this case on (date): _____

Fill in court name and street address:

Superior Court of California, County of PASADENA,

300 E. WALNUT ST.

PASADENA, CA 91101

PASADENA COURTHOUSE

Fill in case number and name:

Case Number:

18PDUD00506

Case Name:

KINGSTON INV., LLC V. ABE

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

④ After reviewing your: Request to Waive Court Fees Request to Waive Additional Court Fees the court makes the following orders:

a. The court grants your request, as follows:

- (1) **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:
- Filing papers in Superior Court
 - Making copies and certifying copies
 - Sheriff's fee to give notice
 - Court fee for phone hearing
 - Reporter's fee for attendance at hearing or trial, if reporter provided by the court
 - Assessment for court investigations under Probate Code section 1513, 1826, or 1851
 - Preparing, certifying, copying, and sending the clerk's transcript on appeal
 - Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
 - Making a transcript or copy of an official electronic recording under rule 8.835

- (2) **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Other (specify): _____
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

Your name: ARTURO HERNANDEZ

Case Number:

18PDUD00506

- b. The court denies your fee waiver request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- (1) The court denies your request because it is incomplete. You have 10 days after the clerk gives notice of this order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

- (2) The court denies your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*):

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have 10 days after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c. below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

- c. The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*):

- Bring the following proof to support your request if reasonably available:

Name and address of court if different from above:

Hearing Date

Date: _____ Time: _____
Dept.: _____ Room: _____

Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____

Signature of (check one):

Judicial Officer

Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*. Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

A certificate of mailing is attached.

- I handed a copy of this order to the party and attorney, if any, listed in ① and ② at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): _____, California on the date below.

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

CM-180

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ARTURO ANDRADE 10508 CROCKETT ST. SUN VALLEY, CA 91352 TELEPHONE NO. (310) 447-4400 FAX NO. (Optional): None E-MAIL ADDRESS (Optional): None ATTORNEY FOR (Name): In Pro Per		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 E. WALNUT ST. MAILING ADDRESS: 300 E. WALNUT ST. CITY AND ZIP CODE: PASADENA, CA 93009 BRANCH NAME: PASADENA COURTHOUSE		
PLAINTIFF/PETITIONER: KINGSTON INVESTMENTS, LLC. DEFENDANT/RESPONDENT: KRISY ABE DOES 1 TO 10, INCLUSIVE		
NOTICE OF STAY OF PROCEEDINGS		CASE NUMBER: 18PDUD00506
		JUDGE:
		DEPT.:

To the court and to all parties:

1. Declarant (name): ARTURO ANDRADE

- a. is the party the attorney for the party who requested or caused the stay.
b. is the plaintiff or petitioner the attorney for the plaintiff or petitioner. The party who requested the stay has not appeared in this case or is not subject to the jurisdiction of this court.

2. This case is stayed as follows:

- a. With regard to all parties.
b. With regard to the following parties (specify by name and party designation):

3. Reason for the stay:

- a. Automatic stay caused by a filing in another court. (Attach a copy of the Notice of Commencement of Case, the bankruptcy petition, or other document showing that the stay is in effect, and showing the court, case number, debtor, and petitioners.)
b. Order of a federal court or of a higher California court. (Attach a copy of the court order.)
c. Contractual arbitration under Code of Civil Procedure section 1281.4. (Attach a copy of the order directing arbitration.)
d. Arbitration of attorney fees and costs under Business and Professions Code section 6201. (Attach a copy of the client's request for arbitration showing filing and service.)
e. Other:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 03/29/2018

ARTURO ANDRADE

(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE)